

Draft Action/Summary Minutes
City of Sedona
Historic Preservation Commission Special Meeting
Vultee Conference Room, Sedona City Hall, Sedona, AZ
Thursday, October 8, 2009 – 4:00 pm

1. Verification of notice, call to order, roll call and Pledge of Allegiance.

Chairman Unger called the meeting to order at 4:00 p.m.

Roll Call:

Commissioners: Chairman Brynn Unger, Vice Chairman Greg Ruland and Commissioners Richard Mayer and Noreen Wienges

Staff: Kathy Levin

2. Public forum for items not on agenda. Limit of 3 minutes per presentation. (Note that the Commission may not discuss or make any decisions on any matter brought forward by a member of the public).

The Chairman opened the public forum and having no public present, closed the public forum.

3. Discussion/possible action on proposed revisions to the Requirements for the FY 2009-10 Historic Preservation Small Grant Program allowing the Director of Community Development the discretion to modify or waive, on a case-by-case basis any requirements due to special circumstances such as financial hardship, significant structural damage, or other exigent circumstances.

Chairman Unger indicated that we have suggested wording, and Kathy explained that we are having this special meeting, because there was a flood on September 10th and the Hart Store was surrounded at one point with 4 ft. of floodwaters, and two employees were rescued. As a result, all of the wood floors need to be replaced, as well as the wainscoting, the walls, the floor molding, all of the landscaping and one window. It is a local historic Landmark that is listed on the National Register of Historic Places. She wasn't in town when this occurred, but when she returned, she and Chairman Unger met with the property owners to see what happened, and prior to the visit, she started exploring options.

When she looked at the guidelines of the Small Grant Program, there were at least two ways that a potential application for grant assistance from this applicant wouldn't work; one was that we have focused our attention on the exterior of the structures, and the other was that they hadn't submitted an application by the time of the last deadline, which was August 31st. She started crafting some language that she thought would give the City, Director and Commission some discretion and it is probably a good thing to have in this program for circumstances that can't be planned. In this instance, she felt compelled to find a way to bring to the property owner some financial possibilities, so that is the background behind crafting this language.

She has suggested that it is based on the Director of Community Development's discretion to exercise waiving or modifying any of the requirements, based on the Commission's recommendation after reviewing the property in question. The proposed new language would be added to the requirements page. At the top, there is a second paragraph that is the

proposed language, and you have the authority to change the regulations for this program. She has reviewed this with the Director of Community Development and the Assistant Director, and you are being asked to consider it today.

Chairman Unger indicated that it makes a lot of sense, but it doesn't say anything about the Commission reviewing it before it goes to the Director, should that be included? Kathy explained that this is your program to execute and administer, so when you get an application, you will be reviewing it and making a decision; therefore, it is implied that you will be making a recommendation to the Director, because it is a deviation from the balance of the other requirements, but we could say upon recommendation of the Commission.

The Chairman, Vice Chairman and Commissioner Wienges indicated that would be a good idea to add right at the beginning, "Upon the recommendation of the Historic Preservation Commission," and Chairman Unger indicated she would be more comfortable with that. This is also to be used in cases of emergency, and the difficulty is that it will have to come to the Commission first; however, we will just have to deal with the lag time, although we can have a special meeting like this.

Vice Chairman Ruland asked if we could meet by telephone and Kathy indicated that she wasn't sure. Commissioner Mayer recalled that he was previously told that we couldn't, because it wouldn't meet the Open Meeting Laws. Vice Chairman Ruland asked if there are situations where it would have to happen now, and Kathy explained that the very nature of the work requires bidding, etc. Chairman Unger indicated that there was some concern that she wasn't there to tell them that we were going to give them this grant, but her feeling was that she didn't want to do it without the Commission weighing in on it and the City saying we could do it. Kathy pointed out that it takes a collective decision, and Vice Chairman Ruland indicated that was a wise Chair and he agreed. Chairman Unger indicated that Janeen Trevillyan emailed her that night and wanted her to tell them that we were going to give them money, but she told her that she couldn't.

Chairman Unger asked if anything needed to be added and Kathy indicated that while these would be interior improvements, they really are structural as well; what can you do without a floor? Commissioner Mayer indicated that was his only question, because we always tell everyone that our grants are only concerned with the exterior of the structures, but we are concerned with the structural aspects of it too.

Vice Chairman Ruland asked if it is necessary to amend the grant to reflect interior structures and Kathy indicated no, because the emphasis is on the exterior. Chairman Unger stated that if we found something internally that would destroy the building, that is something that would affect the exterior, such as termites, etc., and then we could probably do it. All of these things are things that we will be altering as time goes on. It is so much better now than when we first started; originally, we were trying to figure out what we were asking for and what we were going to do, but it is getting a lot better and Kathy has also looked into some other possibilities for them too.

The Chairman explained that we need to vote as to whether or not we approve the wording. Commissioner Wienges suggested instead of saying the Director, say the Director of Community Development. Kathy said sure, we say "Director" in the Land Development Code but that is fine. Chairman Unger agreed, because this will be something open for the public to read.

MOTION: Vice Chairman Ruland moved to approve the revision to the requirements for the Historic Preservation Commission's Small Grant Program as amended, as we discussed. Commissioner Wienges seconded the motion. VOTE: Motion carried four (4) for and zero (0) opposed.

4. Discussion/possible action on an emergency grant award under the FY 2009-10 Historic Preservation Small Grant Program for the historic Hart Store (dba "Hummingbird House").

Kathy indicated she was searching for other financial assistance for the property owners of the Hart Store, so she got in contact with SHPO and asked if it would be possible for us to take an existing grant for \$2,400 that has not been activated to prepare a National Nomination for Saddlerock Ranch and shift it to this property, even though that particular program is not a bricks and mortar program. She didn't expect them to say yes, or to say yes in 24 hours. They got up the chain and down at SHPO, because it is a National Register property and they said go for it. It was impressive. She also asked if there were any other funds available and there is a small pot of unused funds that had been returned, and that is another \$1,500, so she prepared another application, and she and Chairman Unger met with the property owners last Wednesday, so shifting that other application and adding on the \$1,500, there is \$3880 there. In the Small Grant Program, if you fund the two applications that you received, there would still be a balance in that \$12,000 of \$8,100, so this will give you some discretion on funding levels, reimbursement levels, owner contribution and the eligibility requirements, which we've already discussed. You could award from zero to \$8,000, and she has written the application, so that at least \$5,000 would be used as the match for this other grant, and she will be able to submit that after Tuesday, when the Council approves a grant to be submitted.

The property owners haven't submitted the application yet and she offered to complete it for them, but she did ask them to get the bids to us. They have moved everything to the Hyatt and opened the store on Thursday; they signed a lease until January. Jack is understandably angry about what the stormwater drainage system did not provide and about feeling vulnerable to this flood; they have been flooded more than once.

Vice Chairman Ruland asked what he feels the City could have done to prevent it, and Kathy explained that he believes a large tree could have been removed from one of those drainage areas, which may have helped, and he has never seen anybody cleaning the stormwater areas before. She told him we haven't seen that kind of volume in that amount of time before and she doesn't know that anything could have kept that water away from them; they are in the Soldier Wash drainage area, so that is the big back story about his interest or non-interest in rehabilitating the store. Annie is gung-ho; she showed us the mangled red bike and she said she is going to make it an art sculpture. Jack is pulling everything off of those floors and worrying about mold.

The Vice Chairman asked if it would make sense to link any funds to a release, and Kathy indicated this is going to be a very small amount compared to what they need; Annie was saying \$100,000, because all of the landscaping is out and they had to bring in an electrician. Chairman Unger indicated that for \$15,000 or \$20,000, they could easily do the floor. It is interesting that they painted that building recently, so it resisted the water and you don't see that there was that much damage until you go inside. Kathy pointed out that a small grant from this Commission did that and fixed up the roof.

Commissioner Mayer asked, if they apply, would they state what they want to use the money for and get us bids. Kathy indicated that is correct, and Annie asked if she could include landscaping, so Kathy explained that we would be looking for the replacement of the wood floor, the wainscoting and the window that was busted to rescue the two employees. The amount we are discussing will be a portion of that total cost. Jack will be working on that, and she asked to see that by Monday morning, but if it isn't possible, it isn't possible. Vice Chairman Ruland noted that we could be discussing it Monday.

Kathy explained that the reason she held a special meeting was to convey that the City wanted to assist them and we were prepared to move as quickly as possible, to get this into the grant cycle. Commissioner Mayer asked if the balance covers 2010, and Kathy explained that it is for 2009-2010. The Commissioner indicated that we shouldn't empty the account and the Chairman explained that would be discussed on Monday.

Kathy indicated that we received one application for the Unity Church and one for the Bennett-Purtymun Cabin at the Sedona Charter School that you will discuss on Monday. Chairman Unger added that we also have a second cycle sometimes, which would have occurred anyway and that still might happen, if we haven't received anything from them. Kathy indicated that she hopes they are able to respond, because she has already put into work this other grant conversion, which is contingent on a match.

Vice Chairman Ruland asked if we could move the meeting to give them a little more time and Kathy explained that the Commission would want to keep the review of the other two applications, because they met the deadline and need a response, and we could schedule that application consideration on a different date.

Vice Chairman Ruland indicated he would stop by their business today, and Chairman Unger discussed how her family feels that store is the real thing, and the Chairman asked Kathy to convey that the Commission looks forward to seeing them come back.

No legal action was taken.

5. Discussion/possible action regarding future meeting dates and future agenda items.

Chairman Unger indicated that the agenda for next Monday at 4:00 p.m. was sent out today. Commissioner Mayer asked about discussing Don Woods and Kathy explained that could be discussed under Prospects. Chairman Unger indicated that on Monday, they could discuss adding Don Woods to each agenda, like Madole is now.

6. Adjournment.

The Chairman called for adjournment at 4:30 p.m., without objection.

I certify that the above is a true and correct summary of the meeting of the Historic Preservation Commission held on October 8, 2009.

Donna A. S. Puckett, *Recording Secretary*

Date